

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
ANTHONY MANGANIELLO,

Plaintiff,

-against-

DET. LUIS AGOSTINI; DET. SHAWN ABATE,¹

Defendants.
-----x

**NOTICE OF MOTION
FOR JUDGMENT AS A
MATTER OF LAW ON
PLAINTIFF'S MALICIOUS
PROSECUTION CLAIM AS
AGAINST DEFENDANTS
ABATE AND AGOSTINI, OR
IN THE ALTERNATIVE FOR
QUALIFIED IMMUNITY, OR
FOR A NEW TRIAL ON
DAMAGES, OR
REDUCTION OF THE
JURY'S AWARD**

07 Civ. 3644 (HB)

PLEASE TAKE NOTICE that, upon defendants Luis Agostini and Shawn Abates' Memorandum of Law dated July 21, 2008, and upon all prior pleadings and proceedings herein, defendants will move this Court before the Honorable Harold Baer, United States District Judge, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York, 10007, at a date and time to be determined by the Court, for judgment as a matter of law on plaintiff's malicious prosecution claim as against these defendants, pursuant to Rule 50 of the Federal Rules of Civil Procedure, on the grounds that plaintiff failed to provide a legally sufficient evidentiary basis for a finding on this claim. Defendants Agostini and Abate also move, in the alternative, for qualified immunity, or for a new trial, pursuant to Fed. R. Civ. P. 59(a), or for an order reducing the jury award in this action pursuant to Fed. R. Civ. P. Rule 59(e), and for such other and further relief as the Court deems just and proper.

¹In light of the jury's verdict on June 24, 2008, Miriam Nieves, Alex Perez, and Richard Martinez are no longer defendants in this action.

PLEASE TAKE FURTHER NOTICE that pursuant to the briefing schedule agreed upon by the parties to this action, plaintiff's opposition papers, shall be served on the undersigned attorneys for the defendants no later than August 4, 2008, and

PLEASE TAKE FURTHER NOTICE that defendants' reply papers shall be served on plaintiff with a courtesy copy hand delivered to Chambers no later than August 18, 2008.

Dated: New York, New York
July 21, 2008

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By: 

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